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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,221	12/13/1999	NAOYASU MIYAGAWA	JEL-28567RE-	2207

7590 08/25/2005

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WASHINGTON, DC 200434387

EXAMINER
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HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 08/25/2005

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9/460 221

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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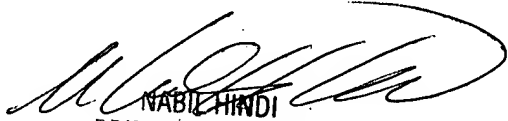
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the reply brief dated March 24, 2005 is entered.

  
NABIZ HINDI  
PRIMARY EXAMINER  
GROUP 2500  
24.5



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al. Art Unit: 2655  
Appln. No.: 09/460,221 Examiner: N. Hindi  
Filed: December 13, 1999  
For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR  
OPTICAL DISKS WITH VARIOUS DISK SUBSTRATE  
THICKNESSES

SUPPLEMENTAL REPLY BRIEF

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This appeal was remanded to the examiner on September 16, 2003, for the purpose of reconsideration of the recapture rejection in light of the precedential Board decision in *Ex parte Eggert et al.*<sup>1</sup> decided May 29, 2003 by an expanded panel of the Board of Patent Appeals and Interferences. This Decision illuminates various CCPA and CAFC decisions cited in the Answer, such as *Hester Industries*, *In re Clement*, *Ball Corp.*, *Pannu*, and *Mentor*.

The Supplemental Examiner's Answer (hereinafter, "Answer") of January 24, 2005, addresses various issues in addition to those raised by *Eggert*.

This Supplemental Reply Brief addresses the points of argument asserted in the Answer, which include (1) reassertion of various arguments made in the first Examiner's Answer, (2) arguments

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<sup>1</sup>67 USPQ2d 1716 (BPAI 2003); hereinafter, "*Ex parte Eggert*," "*Eggert et al.*" or "*Eggert*" refers to this decision and not the earlier board decisions also involving *Eggert et al.*